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IT IS SO ORDERED.

Dated: July 19, 2016



Charles M. Caldwell
Charles M. Caldwell
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:	:	Case No. 16-52886
Lois K. Forsythe	:	
	:	Judge Caldwell
	:	
Debtor	:	CH 13

**AGREED ORDER GRANTING DEBTOR'S MOTION TO AVOID JUDICIAL LIEN ON
REAL PROPERTY
(Doc. 20)**

This matter came before the Court upon Debtor's Motion to Avoid Judicial Lien on Real Property Pursuant to 11 U.S.C. 522(f)(1)(A) (Doc. 41). The Debtor seeks to avoid the tax liens of the Ohio Department of Taxation ("Creditor") on the grounds that such tax liens are unsecured. The Court finds that all parties of interest were properly served and that no responses were filed within the allowed time. The Court further finds that the residential real estate of Debtor located at 1729 Flint Lane, Coshocton, Ohio 43812 has a fair market value of \$162,000. The Court finds that the subject real estate is subject to a consensual, first and best joint

mortgage in favor of Wells Fargo Financial Ohio 1 Inc. in the amount of \$189,178.34 that is superior to Creditor's liens.

The Court further finds that there exists insufficient equity in the subject real estate to deem secured the tax liens of Creditor. The Court further finds that pursuant to the provisions of Bankruptcy Rule 4003(d) and 11 U.S.C 522(f)(1)(a) the tax liens of Creditor are unsecured and therefore avoided.

IT IS THEREFORE ORDERED that:

1. Debtors' Motion to avoid the Department of Taxation's liens arising from the certificate of judgments filed in the Coshocton County Common Pleas Court as 2010CI0079, 2012TL00002, 2013TL00306 and 2014TL00347 is granted.

2. Creditor Department of Taxation's claim for tax liens arising from the certificates of judgment filed in the Coshocton County Common Pleas Court as 2010CI0079, 2012TL00002, 2013TL00306 and 2014TL00347 against the residence of the Debtor located at 1729 Flint Lane, Coshocton, Ohio 43812 shall be paid in accordance with the proof of claim filed by Creditor Department of Taxation pursuant to the provisions of the confirmed Chapter 13 plan.

3. The releasing of the tax liens which are recorded as 2010CI0079, 2012TL00002, 2013TL00306 and 2014TL00347 of the Coshocton County Common Pleas Court will not occur until completion of all plan payments under Debtor's confirmed Chapter 13 plan. The tax liens which are recorded as 2010CI0079, 2012TL00002, 2013TL00306 and 2014TL00347 of the Coshocton Common Pleas Court shall not be released upon a hardship discharge or a conversion of the case to one under Chapter 7.

4. In the event that any entity, including the holder of the first lien or second lien on the subject property, forecloses on its security interest and extinguishes Creditor's lien prior to the Debtor's completion of all plan payments under Debtor's confirmed Chapter 13 plan, Creditor's lien shall attach to the surplus proceeds of the foreclosure sale for the full amount of the subject loan balance at the time of the sale.

5. In the event the Creditor fails to timely release the tax liens which are recorded as 2010CI0079, 2012TL00002, 2013TL00306 and 2014TL00347 of the Coshocton County Common Pleas Court upon the completion of all plan payments under Debtor's confirmed Chapter 13 plan, not including a hardship discharge in the Chapter 13 case or a conversion to one under Chapter 7, the Debtor may cause a certified copy of this Order to be filed with the

Coshocton County Common Pleas Court, which filing shall constitute a complete and full release of the tax liens therein recorded, and said tax liens shall be forever discharged.

IT IS SO ORDERED.

APPROVED & SUBMITTED BY:

/s/ Jetta Mencer

Jetta Mencer (0013024)
One South Park Place
Newark, Ohio 43055
Telephone: 740.345.5171
Facsimile: 740.349.9327
jetta@jettamencer.com
Attorney for Debtor

/s/ Jennifer L. Fate

Jennifer L. Fate (0068861)
MURRAY MURPHY MOUL + BASIL LLP
Special Counsel to the Attorney General
1114 Dublin Road
Columbus, OH 43215
Telephone: 614.488.0400
Facsimile: 614.488.0401
Email: fate@mmmb.com
Attorney For Creditor Ohio State Department of Taxation

Copies to:

Default list

and

Jennifer L. Fate
MURRAY MURPHY MOUL + BASIL LLP
Special Counsel to the Attorney General
1114 Dublin Road
Columbus, OH 43215

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